

AMENDMENT NO. \_\_\_\_\_

\_\_\_\_\_  
**Signature of Sponsor**

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 556 House Bill No. 1064**

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 44, Chapter 15, Part 1, is amended by deleting it in its entirety and substituting instead SECTIONS 2 through 30 of this act.

SECTION 2.

(a) This act shall be known and may be cited as the "Tennessee Apiary Act of 1995".

(b) Honeybees are kept in beehives by beekeepers throughout the state, and many colonies of feral honeybees have established nests in hollow trees and in walls of buildings. These honeybees perform a pollination function that is essential to the propagation of many species of flowering plants in Tennessee. These flowering plants include many agricultural crops, wildflowers, and forest plants that are of great importance to all Tennesseans, and the honeybees are the major pollinator for most of these plants. Therefore, the state of Tennessee should take appropriate actions to help assure the continued availability of an adequate population of honeybee pollinators. Honeybees, like other animal species, are afflicted by a variety of contagious diseases and pests that can cause serious population reductions. The natural behavior of honeybees cause them to be interactive with bees from other colonies and therefore vulnerable to transmission of some diseases and pests. Therefore, persons involved in the

AMENDMENT NO. \_\_\_\_\_

\_\_\_\_\_  
**Signature of Sponsor**

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 556 House Bill No. 1064**

keeping of bees in a given area can engage in beekeeping practices that will have a real and direct impact on the honeybees and beekeeping in surrounding areas. This act enables and provides for the development of regulatory programs for beekeeping activities in the state as may be needed to help protect honeybees from diseases, pests, and other threats that could seriously reduce the availability of the honeybee pollinators.

SECTION 3. As used in this act, unless the context otherwise requires:

(1) "Abandoned apiaries" means an apiary that has not been subjected to at least the minimal beekeeping practices necessary to maintain the bees in a healthy, productive, and safe condition so that the honeybees and beekeepers in surrounding areas will not be adversely affected;

(2) "Advisory committee" or "ATAC" means the Apicultural Technical Advisory Committee that is established pursuant to this chapter;

(3) "Apiary" means a collection of one (1) or more colonies of bees in beehives at a location. A building or room in a building is considered to be the location of an apiary only if one or more beehives containing colonies of honeybees are housed within that building;

(4) "Apiary inspectors" means those persons with relevant qualifications and beekeeping training who are employed by or working under contract with the

AMENDMENT NO. \_\_\_\_\_

\_\_\_\_\_  
**Signature of Sponsor**

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 556 House Bill No. 1064**

department of agriculture for the purpose of implementing regulatory programs  
as directed by the state apiarist;

(5) "Appliances" means any apparatus, tools, machines or other devices  
used in handling and manipulating bees, honey, and wax which may be used in  
an apiary, or in transporting bees and their products and apiary supplies;

(6) "Bee disease or pest" means a condition in which a colony is  
infested/infected with a bacterial, fungal, viral, or parasitic condition or an  
organism that can or will affect the well-being of a colony;

(7) "Bees" or "honeybees" means any developmental stage of any sub-  
species of the species *Apis mellifera*;

(8) "Beekeeper" means any individual, association, corporation, or other  
entity who deliberately provides nesting sites for colonies of honeybees and  
attempts to establish and maintain such colonies at any location;

(9) "Certification" means voluntary training program approved by the  
department that when successfully completed authorizes the beekeeper to  
detect, identify, and control regulated bee diseases and pests in colonies under  
the management of that beekeeper;

(10) "Certified beekeeper" means any person who has successfully met  
the requirements of a voluntary certification program for beekeepers as approved  
by the state apiarist;

AMENDMENT NO. \_\_\_\_\_

\_\_\_\_\_  
**Signature of Sponsor**

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 556 House Bill No. 1064**

(11) "Colony" means all of the bees living together as one (1) social unit and may include the bee equipment in which the bees are living;

(12) "Commissioner" means the commissioner of the Tennessee department of agriculture or his designated agent;

(13) "Department" means the Tennessee department of agriculture (TDA);

(14) "Feral bees" means those honeybees not kept in a beehive provided by a beekeeper and whose nest sites are usually located in a cavity within a tree or a building;

(15) "Hive" or "beehive" means that container or structure used by a beekeeper to provide a cavity in which a colony of bees are expected to establish a permanent nest;

(16) "Registered Apiary" means an apiary location that has been properly registered with the department as required by this chapter;

(17) "Registered beekeeper" means a beekeeper whose apiaries are properly registered with the department;

(18) "Regulated bee disease" or "regulated pest" means a bee disease or pest that presents a significant threat to the population of honeybees and for which regulatory actions can be taken to mitigate that threat; and

AMENDMENT NO. \_\_\_\_\_

\_\_\_\_\_  
**Signature of Sponsor**

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 556 House Bill No. 1064**

(19) "State apiarist" means that person employed by the Tennessee department of agriculture who has the qualifications prescribed by this act and has been designated as state apiarist by the commissioner.

**SECTION 4.**

(a)(1) The commissioner of agriculture shall appoint a state apiarist, subject to any applicable rules or qualifications established by the department of personnel. Such state apiarist shall be responsible for the apiary work of the department of agriculture and, with the necessary assistants, shall be charged with the duty of enforcing the provisions of this chapter. The person designated as state apiarist shall have, as a minimum, a college degree in one of the biological sciences and a minimum of five (5) years apiary experience.

(2) The state apiarist shall be responsible for developing, implementing, and administering the apiary program needed to satisfy the objectives and provisions of this chapter and shall have the duty of enforcing those rules and regulations promulgated pursuant to this chapter.

(b) The commissioner may appoint, in accordance with any applicable personnel rules and regulations, such assistants, apiary inspectors, and other employees as may be required, and to prescribe their duties; to delegate to

AMENDMENT NO. \_\_\_\_\_

\_\_\_\_\_  
**Signature of Sponsor**

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 556 House Bill No. 1064**

apiary inspectors and other employees such powers and authority as may be deemed proper within the limits of the power and authority conferred upon the commissioner by this chapter.

(c) The state apiarist and the apiary inspectors may provide educational literature and may conduct training programs for beekeeping on topics related to prevention, detection, and control of bee diseases and pests and other topics which will help beekeepers maintain needed populations of honeybees. The literature and training programs may be developed and conducted in cooperation with the extension apiculturist at the University of Tennessee.

(d) The state apiarist and all apiary inspectors may own colonies of bees and engage in beekeeping activities on their own time, and their beekeeping activities will be subject to the same rules and regulations as applied to all other beekeepers. The department shall not prohibit such activities but may develop guidelines to avoid interference with work responsibilities and to prevent conflicts of interest.

SECTION 5. The commissioner of agriculture is hereby authorized to enter into cooperative agreements and/or grants with any person, municipality, county and other departments of this state, and boards, officials and authorities of other states and the United States for inspection with reference to infectious and contagious diseases and regulated pests of honeybees, and for their control and eradication.

AMENDMENT NO. \_\_\_\_\_

\_\_\_\_\_  
**Signature of Sponsor**

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 556 House Bill No. 1064**

SECTION 6.

(a) Every beekeeper owning one (1) or more colonies of bees shall register each apiary location by January 1, 1996 and every three (3) years thereafter. Upon establishment of a new apiary location, it shall be the duty of the owners or operators of such apiary(s) to register such new locations within thirty (30) days. Any person, firm, or corporation moving bees into the state of Tennessee, shall register all apiary locations within thirty (30) days from the date of the establishment of each apiary.

(b) If an unregistered apiary is found, the state apiarist or any apiary inspector shall make a reasonable effort to locate the owner of the bees and notify the beekeeper by means of a registered letter of the registration requirements and the consequences of noncompliance.

(c) The state apiarist shall issue to each beekeeper with one (1) or more registered apiaries a unique registration number that will be used for apiary identification purposes.

SECTION 7. Each beekeeper is required to provide moveable frames in all hives used by that beekeeper to contain bees, so that any such frame can be removed from the hive and inspected for any regulated diseases and pests. Any beekeeper having a colony of bees living in any beehive or other container that does not have moveable frames may be ordered by the state apiarist to transfer the bees into a hive with

AMENDMENT NO. \_\_\_\_\_

\_\_\_\_\_  
**Signature of Sponsor**

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 556 House Bill No. 1064**

moveable frames within a specified period of time. If the beekeeper does not make the transfer within the specified time period, the state apiarist shall have the authority to confiscate the bees and hive(s).

SECTION 8. The state apiarist, assisted by the apiary inspectors identified in this act shall have the authority and responsibility to establish and implement a program for inspection of apiaries throughout the state for the purpose of detecting regulated bee diseases and pests and for implementing control measures as needed to minimize the adverse impacts of those diseases and pests on the honeybee population in the state. The apiary inspection program will be conducted in accordance with standard procedures that are developed by the state apiarist. Any apiary inspector duly authorized by the state apiarist shall have the authority to go upon any public or private property for the purpose of conducting an inspection of an apiary located on that property. The inspector shall make a reasonable effort to notify the beekeeper of a planned inspection prior to the actual inspection.

SECTION 9.

(a) No bees may be sold, offered for sale, moved, or transported, shipped or delivered within the state, unless they have been inspected by an appropriate official of the state and certified to be apparently free of infectious or contagious regulated bee diseases and pests in accordance with rules and regulations promulgated under this chapter.



AMENDMENT NO. \_\_\_\_\_

\_\_\_\_\_  
**Signature of Sponsor**

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 556 House Bill No. 1064**

(b) All persons desiring to move bees, hives, slungums, used beekeeping equipment or appliances into the state of Tennessee must apply to the department of agriculture for a permit. Such application shall be accompanied by a certificate of health certifying that all bees, hives, slungums, used beekeeping equipment or appliances have been inspected by an authorized official within thirty (30) days prior to transportation into Tennessee, and that such bees, hives, slungums, used beekeeping equipment or appliances were found apparently free from any regulated diseases or pest.

**SECTION 10.**

(a) If a beekeeper knows that a colony of bees has a regulated bee disease or pest, the beekeeper shall immediately report to a state apiary inspector all facts known about the bee's disease or bee's pests.

(b) If any apiary inspector has substantial reason to believe that a feral colony of bees may be harboring any regulated bee disease or pest, the inspector shall have the authority to enter onto any property public or private to locate and examine that feral colony of bees. The examination of a feral colony and any subsequent regulatory activity must be conducted in accordance with rules established by the department.

**SECTION 11.**

AMENDMENT NO. \_\_\_\_\_

\_\_\_\_\_  
**Signature of Sponsor**

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 556 House Bill No. 1064**

(a) The state apiarist and the duly authorized apiary inspectors shall have the power and authority to declare a quarantine on any apiary found to be infected/infested with any regulated bee diseases or pests. Immediately after the apiary is declared to be infected/infested, a quarantine notice will be presented to the beekeeper and will include specific instructions as to required actions by the beekeeper. The appliances directly associated with that apiary shall be under quarantine and shall be subject to regulatory actions imposed by the department. The commissioner may declare a geographical area quarantine against any county, group of counties, region, or state where a regulated bee disease or pest is found in a sufficient number of apiaries that the infestation can be considered endemic. However, bees may not be moved from the quarantine area except by permission from the state apiarist or an apiary inspector.

(b) It shall be unlawful for any person in the state who participates in or conducts a deliberate act that exposes free-flying honeybees to a known source of any regulated bee disease or pest or to any substance commonly known to kill bees. This section does not apply to farmers, gardeners, or others who are using legally registered pesticides in strict compliance with the label instructions. The deliberate acts that are prohibited include, but are not limited to, the following:

(1) Placing in a location that is accessible to free-flying honeybees any beeswax combs, beekeeping equipment, honey, or other

AMENDMENT NO. \_\_\_\_\_

\_\_\_\_\_  
**Signature of Sponsor**

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 556 House Bill No. 1064**

substance known to be attractive to honeybees and capable of  
transmitting bee diseases or pests and known to have been in contact  
with or associated with sources of regulated bee diseases or pests,

(2) Placing in a location that is accessible to free-flying honeybees any  
honey, sugar syrup, corn syrup, or other substance known to be attractive to  
bees and to which some pesticide or other substance harmful to honeybees has  
been added, or

(3) Producing, making, releasing, or otherwise causing any spray,  
smoke, fog, dust, or other substances to enter a beehive for the purpose of killing  
the bees therein except as requested by the owner of the bees or as required by  
a state regulatory order.

**SECTION 12.**

(a) The department may authorize establishment of a certification  
program whereby beekeepers who successfully complete the requirements of the  
program will be certified to have demonstrated the knowledge and skills needed  
to effectively detect, identify, and control regulated bee diseases and pests. The  
state apiarist will develop and administer any regulatory certification program that  
is established.

(b) The beekeeper certification program shall be a voluntary program,  
and all applicants must successfully complete the program requirements to

AMENDMENT NO. \_\_\_\_\_

\_\_\_\_\_  
**Signature of Sponsor**

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 556 House Bill No. 1064**

become a certified beekeeper. Each person who becomes certified will be granted certain privileges with regard to regulatory requirements promulgated pursuant to this act.

SECTION 13. No person shall sell or give to any other person any used beekeeping equipment until the equipment has been sanitized by a method approved by the state apiarist. This requirement will not apply to equipment that is occupied by live bees.

SECTION 14.

(a) Any person wanting to move live bees in beehives or empty brood combs (combs that have been used for rearing bee brood) into the state of Tennessee must apply to the department for a entry permit. Such application shall be accompanied by a certificate of health from the originating state's regulatory agency certifying that all bees and beehives and used brood combs have been inspected by an authorized official thirty (30) days prior to transportation into Tennessee. The certificate of health must show what diseases and pests were found as a result of the inspection. The state apiarist shall review the application and the health certificate and will determine whether or not an entry permit shall be granted and what conditions or requirements must be met prior to entry.

AMENDMENT NO. \_\_\_\_\_

\_\_\_\_\_  
**Signature of Sponsor**

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 556 House Bill No. 1064**

(b) Any person, firm or corporation transporting colonies and/or used beekeeping equipment into, within, or through the state of Tennessee must secure the hives and equipment in such a manner as to prevent the escape of bees.

(c) The state apiarist and all apiary inspectors shall be empowered to intercept any person(s) transporting colonies or appliances to determine if the person(s) have the required inspection certificates.

(d) Colonies, beehives, slumgums, used bee equipment or appliances brought into this state in violation of this chapter or any applicable rules and regulations of the department shall be removed by the owner from this state and returned to their state of origin within five (5) days after notification by the department. Failure to comply may result in confiscation as provided in Section 19 of this act without any remuneration to the owner.

SECTION 15. Any person violating any of the provisions of this chapter or the rules and regulations made thereunder, or of any order or notice given pursuant thereto, or who shall forge, counterfeit, destroy, or wrongfully or fraudulently use, any certificate, permit, notice or other like document provided or who impedes, hinders or otherwise prevents, or attempts to prevent, the commissioner or the commissioner's duly authorized agent from performing such official's duty in connection with the provisions of this chapter, may, in a lawful proceeding pursuant to the Uniform Administrative

AMENDMENT NO. \_\_\_\_\_

\_\_\_\_\_  
**Signature of Sponsor**

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 556 House Bill No. 1064**

Procedures Act, be assessed a civil penalty of not more than five hundred dollars (\$500) for each violation.

SECTION 16. All fees, fines, and proceeds resulting from the sale of seized properties collected under the provisions of this act shall be paid into the general fund and the same are hereby appropriated exclusively to the department to be used in carrying out the provisions of this act.

SECTION 17. The state apiarist shall be empowered to establish or to authorize establishment of apiaries for experimental purposes associated with research on or evaluation of conditions related to any bee disease or pest.

SECTION 18. All bees and beehives confiscated by the state apiarist as allowed by this act shall be destroyed by burning if the state apiarist determines that the confiscated property is infested with a regulated disease or pest to such an extent that it presents a significant and unacceptable threat to bees in the surrounding area. The state apiarist will be allowed to use or to authorize use of confiscated property for experimental purposes. Otherwise the property may be donated to any college or university within the state that requests the property for research or educational purposes or disposed of at the discretion of the commissioner.

SECTION 19. After inspection of infected/infested bees or fixtures, or handling diseased bees, the state apiarist or his assistants, before leaving the premises on which disease is found, or proceeding to any other apiary, shall take such measures as to

AMENDMENT NO. \_\_\_\_\_

\_\_\_\_\_  
**Signature of Sponsor**

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 556 House Bill No. 1064**

prevent the spread of the disease or pests by infected/infested material adhering to his person or clothing, or any tools or appliances used by him which have come in contact with infected/infested materials.

SECTION 20. It shall be unlawful for any person to knowingly give false or misleading information in any matter pertaining to the enforcement of the provisions of this chapter, or to resist, impede, or hinder the state apiarist or any duly authorized apiary inspector in the discharge of their duties as described in this chapter.

SECTION 21.

(a) Honey can be contaminated with certain organisms that can cause disease in honeybees. Therefore, honey containers and beekeeping equipment that are wet with honey shall be stored, transported, and handled in such a way that free-flying honeybees will not be able to gain access to that honey.

(b) No candy or other food containing honey shall be used in queen mailing cages.

SECTION 22.

(a) All rules and regulations heretofore promulgated on the subject matter of this chapter are hereby revoked.

(b) The department shall promulgate rules and regulations pursuant to Title 4, Chapter 5, to effectuate the purposes of this act.

AMENDMENT NO. \_\_\_\_\_

\_\_\_\_\_  
**Signature of Sponsor**

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 556 House Bill No. 1064**

SECTION 23. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 24. This act shall take effect upon becoming a law, the public welfare requiring it.